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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,869	11/26/2002	Richard William Ira Yarger	128653	5270
23413	7590	03/28/2006	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			DANG, DUUY M	
			ART UNIT	PAPER NUMBER
			2624	
DATE MAILED: 03/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/065,869	Applicant(s) YARGER ET AL.	
	Examiner Duy M. Dang	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/26/02
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,11,13-15,17,18,21,23-25,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 2,6,9,10,12,16,19,20,22 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/26/02 + 6/11/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3-4, 7-8, 13-14, 17-18, 23-24, and 27-28 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The recitations in these claims are already included in their independent claims and considered redundant.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 7-8, 11, 13-15, 17-18, 21, 23-25, and 27-28 are rejected under 35

U.S.C. 102(e) as being anticipated by Wahl et al. (USPN 6,359,960. Art of record filed 6/11/04 and referred as “Wahl” hereinafter).

Regarding claim 1, Wahl teaches method of labeling orthogonal images (i.e., figures 1-2 and 5) comprising: identifying a primary image taken in a first plane (see figure 1 and col. 4 lines 14-22: note 3D volume data set acquired from the series of 2D projections; also see figure 2 for plurality of 2D projection planes denoted at P1-P4); identifying a plurality of secondary images taken in planes orthogonal to the first plane (see figure 1 and col. 4 lines 14-22: note 3D volume data set acquired from the series of 2D projections; also see figure 2 for plurality of 2D

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projection planes denoted at P1-P4); associating a label to a point in the primary image (see markers 6', 9', 6, 9, 6.1-6.4, 7.1-7.4, 8.1-8.4, and 9.1-9.4 mentioned in col. 4 lines 23-43 and figures 1-2); calculating a distance from the point to a line of intersection between the primary image and each secondary image in the plurality of images (see figures 2, 5 and abstract); and associating the label to a secondary image in the plurality of secondary images having a line of intersection with the primary image closest to the point (see figures 2, 5 and col. 6 lines 55-67 and col. 7 lines 47-67).

It is noted that claims 11 and 21 recite similar features called for in claim 1 above. Thus, claims 11 and 21 are also rejected for the same reasons as set forth above.

Regarding claims 5, 15, and 25, it is noted that these claims recite similar features called for in claim 1 with additional of claimed "first and second labels". The advance statements applied to claim 1 above are incorporated herein. Wahl further teaches labels (see markers 6', 9', 6, 9, 6.1-6.4, 7.1-7.4, 8.1-8.4, and 9.1-9.4 mentioned in col. 4 lines 23-43 and figures 1-2. Note that any two markers mentioned in this cited portion refers to the so called first and second labels).

Regarding claims 3-4, 7-8, 13-14, 17-18, 23-24, and 27-28, see claim rejection set forth in claim 1 above.

Allowable Subject Matter

4. Claims 2, 6, 9-10, 12, 16, 19-20, 22, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

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The prior art of record fails to teach or suggest the claimed as recited in claims 2, 6, 12, 16, 22, and 26.

The prior art of record fails to teach or suggest the claimed features as recited in claims 9, and 19.

The prior art of record fails to teach or suggest the claimed features as recited in claims 10 and 20.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd
3/06


Duy M. Dang
Patent Examiner

Electronic Information Disclosure Statement

METHOD AND SYSTEM FOR LABELING OF ORTHOGONAL IMAGES

Application:

Confirmation:

Applicant(s): Richard Yarger

Docket Number: 42,962

Group Art Unit:













Examiner:

search string: (5734915 or 6117079 or 6125350 or 6260021 or 6301497 or 6411836).pn.

10/065869
11/26/02
10/065869
11/26/02

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Citation No.	Patent Number	Date	Bar Code	Patentee	Class	Subclass
	P01	5734915	1998-03-31		Roewer	395 715	273 512
	P02	6117079	2000-09-12		Brackett, et al.	600	437
	P03	6125350	2000-09-26		Dirbas	705	2
	P04	6260021	2001-07-10		Wong, et al.	705	2
	P05	6301497	2001-10-09		Neustadter	600	410
	P06	6411836	2002-06-25		Patel, et al.	600	407

Signature

Examiner Name	Date
DANG, D	3/17/06

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

128653 (GEM-0068)

Application Number

10/065,869

Applicant(s)

Yarger et al

Filing Date

November 26, 2002

Group Art Unit

Not Yet Assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
DW		US 6,359,960 B1	3/19/2002	Wahl et al.	378	20	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Great Britain Search Report, GB0327534.4, May 14, 2004

EXAMINER

DANG, D

DATE CONSIDERED

3/17/06

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 10/065,869		Applicant(s)/Patent Under Reexamination YARGER ET AL.	
	Examiner Duy M. Dang		Art Unit 2627	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,891,030	04-1999	Johnson et al.	382/128
*	B	US-5,749,834	05-1998	Hushek, Stephen G.	600/410
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

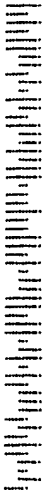
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

TO A/AA



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